

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

TAMI BRUIN, on behalf of herself and all
others similarly situated,

Plaintiff,

v.

BANK OF AMERICA, N.A.,

Defendant.

Case No. 3:22-cv-140-MOC-WCM

MOTION FOR PRELIMINARY APPROVAL OF SETTLEMENT

Plaintiffs Tami Bruin and Eline Barokas (“Class Representatives”), on behalf of themselves and a proposed class of current and former Bank of America, N.A. (“BANA”) accountholders, move for entry of an Order granting Preliminary Approval of a Proposed Settlement embodied in a Settlement Agreement, attached as Exhibit 1. The grounds for this Motion are set forth in a Memorandum filed contemporaneously herewith.

The Court’s approval of the proposed settlement is warranted for the reasons fully stated in said Memorandum.

The Class Representatives respectfully request that said Order include the following: (1) conditionally certify the Settlement Class,¹ (2) appoint Tami Bruin and Eline Barokas as Class Representatives, (3) appoint Class Counsel, (4) preliminarily approve the Settlement, (5) approve the Notice Plan and direct that the Class Notice be provided to the Settlement Class Members, (6)

¹ The definitions and capitalized terms in the Settlement Agreement and Memorandum in Support of Plaintiffs’ Unopposed Motion for Preliminary Approval of Class Settlement and for Certification of Settlement Class are hereby incorporated as though fully set forth in this Motion and shall have the same meanings attributed to them in those documents.

approve and order the opt-out and objection procedures set forth in the Settlement, (7) stay all deadlines in the Action pending Final Approval of the Settlement, and (8) set a date for a Final Approval Hearing.

Respectfully Submitted,

Dated: September 11, 2023

s/ David Wilkerson
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